

Fill in this information to identify your case:

Debtor 1	<b>Tammy Ann Muehling</b>			
	First Name	Middle Name	Last Name	
Debtor 2	(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:			<b>DISTRICT OF UTAH</b>	
Case number:				
(If known)				

Check if this is an amended plan, and list below the sections of the plan that have been changed.

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## Official Form 113 Chapter 13 Plan

12/17

### Part 1: Notices

**To Debtor(s):** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

*In the following notice to creditors, you must check each box that applies*

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. **Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

<b>1.1</b>	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
<b>1.2</b>	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
<b>1.3</b>	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

### Part 2: Plan Payments and Length of Plan

**2.1 Debtor(s) will make regular payments to the trustee as follows:**

**\$700.00 per Month** for **60** months

*Insert additional lines if needed.*

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

**2.2 Regular payments to the trustee will be made from future income in the following manner.**

*Check all that apply:*

- Debtor(s) will make payments pursuant to a payroll deduction order.
- Debtor(s) will make payments directly to the trustee.
- Other (specify method of payment):

**2.3 Income tax refunds.**

*Check one.*

- Debtor(s) will retain any income tax refunds received during the plan term.

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Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.

Debtor(s) will treat income refunds as follows:

**2.4 Additional payments.**

*Check one.*

**None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

**2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$42,000.00.**

**Part 3: Treatment of Secured Claims**

**3.1 Maintenance of payments and cure of default, if any.**

*Check one.*

**None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

**3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one.**

**None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

**3.3 Secured claims excluded from 11 U.S.C. § 506.**

*Check one.*

**None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

**3.4 Lien avoidance.**

*Check one.*

**None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

**3.5 Surrender of collateral.**

*Check one.*

**None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

**Part 4: Treatment of Fees and Priority Claims**

**4.1 General**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

**4.2 Trustee's fees**

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be **10.00%** of plan payments; and during the plan term, they are estimated to total **\$4,200.00**.

**4.3 Attorney's fees.**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be **\$4,000.00**.

**4.4 Priority claims other than attorney's fees and those treated in § 4.5.**

*Check one.*

**None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

The debtor(s) estimate the total amount of other priority claims to be **\$10,775.00**

**4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.**

*Check one.*

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**None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

#### Part 5: Treatment of Nonpriority Unsecured Claims

##### 5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*

The sum of \$ .  
 **100.00** % of the total amount of these claims, an estimated payment of \$ **20,215.11**.  
 The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ **72,059.25**. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

##### 5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. *Check one.*

**None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

##### 5.3 Other separately classified nonpriority unsecured claims. *Check one.*

**None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

#### Part 6: Executory Contracts and Unexpired Leases

##### 6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. *Check one.*

**None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

#### Part 7: Vesting of Property of the Estate

##### 7.1 Property of the estate will vest in the debtor(s) upon

*Check the applicable box:*

plan confirmation.  
 entry of discharge.  
 other: \_\_\_\_\_

#### Part 8: Nonstandard Plan Provisions

##### 8.1 Check "None" or List Nonstandard Plan Provisions

**None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

a. Applicable Commitment Period	Pursuant to §1325(b)(4), as calculated under Part II of Form 122C, the Applicable Commitment Period for this case is <b>36 Months</b> .
b. Direct Payment of Secured Claims	<u>Direct Payments By Debtors On Claims Secured by Personal Property:</u> The Debtors will directly make payments to the creditors listed below pursuant to the following conditions: (1) the Debtors will pay the claim without any modifications to the terms of the contract; (2) upon entry of the confirmation order,

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	the automatic stay of § 362 and the co-debtor stay of § 1301 are terminated as to such collateral and claims; (3) the claim will not be discharged; and (4) neither the court nor the Trustee will monitor the Debtors' performance on direct payments to such creditor.								
	<table border="1"> <tr> <td>Creditor</td><td>Collateral</td></tr> <tr> <td>NONE</td><td></td></tr> </table>	Creditor	Collateral	NONE					
Creditor	Collateral								
NONE									
c. Adequate Protection Payments	Debtor(s) proposes that certain pre-confirmation payments under 11 U.S.C. § 1326(a)(1) be made pursuant to Attachment 1 included herein. Specifically, adequate protection shall be paid on secured claims held by <u>CREDIT</u> included in section 3.2 of the plan and <u>Creditor</u> included in section 3.3 of the plan.								
d. Local Rules Incorporated	The Local Rules of Practice of the United States Bankruptcy Court for the District of Utah are incorporated by reference in the Plan.								
e. Attorney fees	Debtor(s) attorney prays for an award of attorney fees in the amount of the presumptive fee for this case as per published chamber procedures which is <u>\$3,750.00, with counsel having received a retainer of \$590.00</u> .								
f. Direct Payment of Unsecured Claims	<u>Direct Payments By Debtors On Unsecured Claims:</u> The Debtor(s) will directly make payments to the creditors listed below pursuant to the following conditions: (1) the Debtors will pay the claim without any modifications to the terms of the contract; (2) upon entry of the confirmation order, the automatic stay of § 362 and the co-debtor stay of § 1301 are terminated as to such collateral and claims; (3) the claim will not be discharged; and (4) neither the court nor the Trustee will monitor the Debtors' performance on direct payments to such creditor. <table border="1"> <tr> <td>Creditor</td><td>Basis of Claim</td></tr> <tr> <td>Federal Direct Loans</td><td>Student Loans</td></tr> <tr> <td>Navient</td><td>Student Loans</td></tr> <tr> <td>Great Lakes</td><td>Student Loans</td></tr> </table>	Creditor	Basis of Claim	Federal Direct Loans	Student Loans	Navient	Student Loans	Great Lakes	Student Loans
Creditor	Basis of Claim								
Federal Direct Loans	Student Loans								
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Part 9: Signature(s):

#### 9.1 Signatures of Debtor(s) and Debtor(s)' Attorney

If the Debtor(s) do not have an attorney, the Debtor(s) must sign below, otherwise the Debtor(s) signatures are optional. The attorney for Debtor(s), if any, must sign below.

/s/ Tammy Ann Muehling

**Tammy Ann Muehling**

Signature of Debtor 1

Signature of Debtor 2

Executed on December 6, 2019

Executed on \_\_\_\_\_

/s/ Steven M. Rogers

**Steven M. Rogers**

Signature of Attorney for Debtor(s)

Date December 6, 2019

By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.

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### **Exhibit: Total Amount of Estimated Trustee Payments**

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a. Maintenance and cure payments on secured claims ( <i>Part 3, Section 3.1 total</i> )	<b>\$0.00</b>
b. Modified secured claims ( <i>Part 3, Section 3.2 total</i> )	<b>\$0.00</b>
c. Secured claims excluded from 11 U.S.C. § 506 ( <i>Part 3, Section 3.3 total</i> )	<b>\$0.00</b>
d. Judicial liens or security interests partially avoided ( <i>Part 3, Section 3.4 total</i> )	<b>\$0.00</b>
e. Fees and priority claims ( <i>Part 4 total</i> )	<b>\$18,975.00</b>
f. Nonpriority unsecured claims ( <i>Part 5, Section 5.1, highest stated amount</i> )	<b>\$20,215.11</b>
g. Maintenance and cure payments on unsecured claims ( <i>Part 5, Section 5.2 total</i> )	<b>\$0.00</b>
h. Separately classified unsecured claims ( <i>Part 5, Section 5.3 total</i> )	<b>\$0.00</b>
i. Trustee payments on executory contracts and unexpired leases ( <i>Part 6, Section 6.1 total</i> )	<b>\$0.00</b>
j. Nonstandard payments ( <i>Part 8, total</i> )	+
	<b>\$0.00</b>
Total of lines a through j	<b>\$39,190.11</b>